

SEC. 5. The claim or petition may be filed in court, or in the clerk's office in vacation; and from the time of filing the same said claim or petition shall be a lien on said property for the time herein before provided.

Petition when filed shall be a lien.

SEC. 6. The petition or claim shall contain a brief statement of the contract or demand on which it is founded, and of the amount due thereon, with a description of the premises, and all other material facts in relation thereto.

Petition what to contain.

SEC. 7. Each and every person having received satisfaction for his or their debt for which a claim is or has been or shall be filed, or action brought, shall, at the request of any person interested in the building on which the same was a lien, or in having the same lien removed, or of his or their legal representatives, or payment of the costs of the claim or action, and on tender of the cost of office for entering satisfaction, within six days after such request made, enter satisfaction of the claim in the office where such claim was or shall be filed in such action brought, which shall forever thereafter discharge, defeat and release the same.

Satisfaction how entered.

SEC. 8. If such person, having received satisfaction as aforesaid, by himself or his attorney, shall not, within six days after request and payment of the costs of the claim or action and tender as aforesaid, by himself or his attorney duly authorized, enter satisfaction as aforesaid, he, she or they neglecting so to do, shall forfeit and pay unto the party or parties aggrieved, any sum of money not exceeding one-half of the debt for which the claim is filed or action brought, as aforesaid, to be sued for and demanded by the person or persons damnified, in like manner as other debts are now received by existing laws for the recovery of debts.

Must enter satisfaction.

SEC. 9. In all cases of lien created by this act, the person having a claim filed agreeable to its provisions, may at his discretion proceed to recover it by personal action, according to the nature of the demand, against the debtor, his executors or administrators, or by *scire facias*, against the debtor or owner of the building.

Actions—how brought.

SEC. 10. When the proceedings are by *scire facias*, the writ shall be served in like manner as a summons, upon the person named therein, if to be found within the county, and if not found within the county, then by fixing a copy of the writ upon the door of the building against which the claim is filed; and upon the return of service and failure of the defendant to appear, the court shall render judgment as in case of summons; but if they or either of them appear, they may plead and make defence, and the like proceedings shall be had as in personal action for the recovery of debts: *Provided*, That no judgment rendered in such *scire facias* shall warrant the issuing an execution except against the building or buildings upon which the lien existed as aforesaid.

Service how made.

SEC. 11. The act of the Revised Statutes entitled "An Act concerning the lien of mechanics and others for the costs of repairs and improvements on real estate," is hereby repealed.

Act repealed.

CHAP. LXXI.—An Act to provide for the punishment of offences against Private Property.

SEC. 1. If any person shall wilfully and maliciously set on fire, or cause to be set on fire, any woods, or prairie, or other grounds,

Penalty for firing woods or prairie.

within this Territory, other than his own, or shall intentionally, or by neglect, permit the fire to pass his own prairie or grounds, to the injury of any other person or persons, every person so offending shall, on conviction thereof, for every such offence, be fined in a sum not exceeding fifty dollars, nor less than five dollars, and stand committed until fines and costs are paid, and shall be liable to the action of the party injured, for damages, which he, she or they may have sustained in consequence of such fire; and all justices of the peace shall have jurisdiction of offences committed under this act: *Provided*, That nothing in this act shall operate as a repeal of the fortieth section of the act to provide for the punishment of offences against private property.

Justices of the peace to have jurisdiction.

CHAP. LXXII.—An Act Concerning Bills of Exchange and Promissory Notes.

Damages on bills of exchange on persons out of the U.S.

SEC. 1. When any bill of exchange which may be drawn within this Territory, upon any person or persons, body politic or corporate, out of the United States, or Territories thereof, for any sum of money, shall be duly presented for acceptance or payment, and protested for non-acceptance or non-payment, the drawer or endorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill with legal interest, according to the tenor thereof, and twenty per cent damages in addition, together with cost and charges of protest.

Damages on bills on person in adjoining State.

SEC. 2. If any bill of exchange drawn upon any person or body politic or corporate, out of this Territory, but within some State or Territory of the United States, adjoining to this Territory, for the payment of money, shall be duly presented for acceptance or payment, and protested for non-acceptance or non-payment, the drawer or endorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill with legal interest, according to its tenor, and five per cent. damages, together with costs and charges of protest.

When drawn on person in State not adjoining.

SEC. 3. If any bill of exchange drawn upon any person, or body politic or corporate, out of this Territory, but within the United States or Territories thereof, and not adjoining to this Territory, for the payment of money, shall be duly presented for acceptance or payment, and protested for non-acceptance or non-payment, the drawer or endorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill with legal interest, according to its tenor, and ten per cent. damages, together with costs and charges of protest.

Notes payable to bearer, etc., negotiable.

SEC. 4. All notes in writing made and signed by any person, or by a factor, or agent of any merchant or trader usually entrusted therewith, whereby such person or any merchant or trader, by such factor or agent, shall promise to pay to any other person, body politic or corporate, his or their order, or unto bearer, any sum of money therein mentioned, shall by virtue thereof be taken and construed to be due and payable, as therein expressed, and shall have the same effect and be negotiable in like manner, as inland bills of exchange, according to the custom of merchants; and the payees or endorsees of every such note payable to them, or their order, shall and may maintain their action for such sum of money, against the makers and endorsers of the same respectively, in like manner as in cases of inland bills of exchange, and not otherwise.